



MINNESOTA JUDICIAL BRANCH

STATE COURT ADMINISTRATOR'S OFFICE

TREATMENT COURT CONSIDERATIONS DURING COVID-19

Our primary concern during the pandemic is protecting the health and well-being of our judicial officers, court staff, justice partners, courts users, and finding innovative ways to support treatment court participants. It is important that we have as few people physically present in court facilities as absolutely necessary to maintain vital operations. At the same time, we have the important duty to maintain access to justice for the people of Minnesota during this time of crisis, including our treatment court participants.

It is inevitable that your treatment court has been affected by COVID-19. Proper planning and implementation of temporary changes to protect your participants, team, and justice partners may help alleviate further spread of the virus. For all activities, ensure that your team:

- Considers what you can control/impact;
- Ensures that changes reflect information from experts;
- Clearly and thoroughly document all changes and decisions; and
- Communicates changes to all stakeholders, including participants, in a timely and thoughtful manner.

Will you need to relax some evidence-based best practices...YES! Use this time of transition to rethink how your program operates, and be ready to move toward best practices when more regular operations resume.

Stay Updated

The most up to date information regarding COVID-19 as it pertains to the Minnesota Judicial Branch, treatment courts, and public health information can be located here:

MN Judicial Branch: <http://mncourts.gov/Emergency.aspx>

MN DHS: <https://mn.gov/dhs/>

National Association of Drug Court Professionals: <https://www.nadcp.org/covid-19-resources/>

1. Participant Engagement

Considerations:

- Now is the time to focus on participant's safety and health, and make sure they aren't feeling isolated.
- Use virtual services where available for face-to-face contact.
- Consider that not all participants will have access to technology such as mobile phones, smart phones, internet, or apps.
- Offer local resources for food and other essential needs to participants.



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Treatment Court Initiative (TCI) Advisory Committee Recommendation:

Maintaining the safety and mental health of your participants and staff should be top of mind right now. Courts can serve as an information source for the multiple online meetings and resources available for individuals who participate in peer support groups. When developing ways to stay in touch with participants, consider that not all will have access to technology such as mobile phones, smart phones, internet, or apps. Alternative ways to reach those clients without technology options should be explored. Explore ideas to keep participants engaged such as weekly reporting forms, virtual volunteering opportunities, and modified program requirements that still keep them engaged in their court responsibilities but focus on their safety and well-being.

2. Remote Hearings

Considerations:

- Treatment Court hearings were not included among those that must continue to be held in the courtroom per the Supreme Court Order.
- Treatment Court hearings can continue if all parties can appear remotely; if any party can't appear remotely for whatever reason, the hearings are suspended.
- Definition for purposes of this document: "Remote hearing" means either (1) video conference or (2) phone

The treatment court CAP reflects a distinction between staffings and informal check ins, and the types of hearings that need to be on the record. Some judges put every weekly check in on the record, while others do not. If the hearing to be held is the type that would be held off the record, then it would still be one that is off the record now. If it is the type that would be on the record, then it should be on the record now and must be recorded like any in-courtroom hearing would be recorded.

Treatment Court Initiative (TCI) Advisory Committee Recommendation:

In an effort to meet current public health mandates and in the absence of personal protective equipment, we support the use of video conferencing to continue to hold as many hearings as possible. In the event that video conferencing is not available, remote phone hearings are an acceptable alternative. In custody hearings can be held in-person.

We recommend you utilize the primary remote hearing technology that has been selected by your Judicial District, which would include Cisco VMR, Cisco WebEx, or Zoom for your treatment court hearings. It is important to capture in MNCIS what happens on the record in treatment court hearings.



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3. Staffing Meetings

Considerations:

- Determine technology availability and access for all justice partners which ensures participant confidentiality.
- Discuss length and frequency of staffing and quality of information shared.

Treatment Court Initiative (TCI) Advisory Committee Recommendation:

We recommend you utilize the primary remote hearing technology that has been selected by your Judicial District, which would include Cisco VMR, Cisco WebEx, or Zoom for your staffing meetings. If these are unavailable, remote phone conference bridge lines are an acceptable alternative. While these remote technology options are being finalized, evaluate information shared in staffing and pare it down to only information essential for decision-making and determine what information for staffing can be conveyed via email or telephone. This will allow time for your team to develop virtual processes for staffing meetings and ensure access for all team members to remote technology. Update policy manual to include these temporary virtual staffing procedures.

4. Program Intake

Considerations:

- Taking on a new participants during a time of transition and uncertainty can be a challenge.
- Given case filings are limited during this time, program referrals may be extremely limited.

Treatment Court Initiative (TCI) Advisory Committee Recommendation:

Until you have the opportunity to develop virtual processes for managing activities that were previously conducted in-person, consider suspending all new intakes and waitlist any new referrals. That will allow time for your team to develop a virtual referral and intake process, determine any changes to eligibility criteria, and update all intake documents to include all temporary changes to procedure and any additional potential consequences for program participation.

5. Drug/Alcohol Testing

Considerations:

- All probation entities are operating under similar principals that include balancing public and agent safety during this time.
- There are a variety of limitations across the state that include closure of probation offices, courthouses, jails, which impacts where testing can occur.



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- The ability to verify sobriety will likely be limited during this time.

Treatment Court Initiative (TCI) Advisory Committee Recommendation:

Follow the guidelines of your local probation justice partners which includes drug testing only if there is a public safety concern and focusing on the highest risk clients. If needed, temporarily halt all testing and encourage self-disclosure of substance use during supervision or treatment sessions. Assure participants that self-reported use during this period will not result in sanction either now or later and that only therapeutic adjustments will be employed. Your team should use technology where appropriate and available (e.g. continuous alcohol monitoring, Ignition Interlock, smartphone monitoring, transdermal patches), contract with professional labs to provide collection and testing services if available, and update policy manual to include temporary drug/alcohol testing procedures. Discuss as a team how you will handle counting participant days of sobriety if unable to verify with regular, consistent drug/alcohol testing.

6. Probation Contacts

Considerations:

- Agent health and safety is of utmost importance.
- There are a variety of limitations across the state that include closure of probation offices, courthouses, jails, which impacts probation contacts and supervision.

Treatment Court Initiative (TCI) Advisory Committee Recommendation:

Follow the guidelines of your local probation justice partners which may temporarily include halting all community and home contacts and halting or reducing all in-person office contacts. Develop alternatives to in-person contact (e.g., phone, email, Skype, Google Duo, Zoom), and if in-person contacts continue, ensure that appropriate social distancing is used and meet in areas that allow probation staff to have appropriate distance and preferably a barrier between them and the client. Do NOT meet with any client who is sick or has had contact with a sick person. Update policy manual to include virtual probation contacts.

7. Program Requirements (Phase Changes and Phase Requirements)

Considerations:

- The ability to verify compliance with phase and program requirements will likely be limited during this time.
- Use virtual services where available nationwide (e.g. online AA/NA or SMART Recovery meetings, phone meetings)
- The use of telehealth for substance use and mental health services should be explored.



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- Ensure that program requirements comply with national, state, and local executive orders; this may mean a continued moratorium on certain program requirements.

Treatment Court Initiative (TCI) Advisory Committee Recommendation:

Discuss as a team how you can balance verifying participant adherence with program requirements, if even possible at this time, and program progress. Options may include temporarily suspending their progress, or progressing as usual with modified phase requirements. Consider halting all services that are not essential to well-being. Employment and Community Work Service requirements should be evaluated. The use of virtual and telehealth services where available for substance use and mental health services should be explored. Update policy manual with temporary protocols and phase and program requirements.

8. Program Exit

Considerations:

- Participant needs differ from person to person. There is a need for participant recognition of their commencement from the program.
- Offering participant an in-person commencement ceremony once restrictions are lifted should be considered.
- Termination hearings may need to be done remotely per the Supreme Court Order.

Treatment Court Initiative (TCI) Advisory Committee Recommendation:

Until you have the opportunity to develop virtual graduation options, consider temporarily suspending all graduation activities. That will allow time for your team to develop a virtual graduation process and develop alternatives to group graduation activities. A process for termination should also be considered and outlined in the policy manual.